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09/944,615	08/31/2001	John M. Burgan	PT03307U	1302

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EXAMINER
AU, SCOTT D

ART UNIT	PAPER NUMBER
2635	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 May 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

This communication is in response to applicant's response to an Amendment A,

which is filed May 19, 2004.

An amendment A to the claims 1-12 have been entered and made of record in

the Application of Burgan et al. for a "Messaging system providing message redundancy

reduction" filed August 31, 2001.

The new claims 13-14 are introduced.

Claims 1-14 are pending.

Response to Arguments

Applicant's amendments and argument to the rejected claims are insufficient to

distinguish the claimed invention from the cited prior arts to overcome the rejection of

said claims under 35 U.S.C 102(a) and 35 U.S.C 103(a) as discussed below.

Applicant's amendment and argument with respected to the pending claims 1-12, filed

on May 19, 2004, have been fully considered but they are not persuasive for at least the

following reasons.

On page 8, sixth paragraph, Applicant's argument with respect to the invention of

Pinter that Pinter does not anticipate the invention recited in amend claim 1, is not

persuasive.

Applicant's argument and pointed to page 14 lines 4-21 of the specification which

is narrower than what is being claimed. Pinter discloses an electronic messaging

network in accordance with a preferred embodiment of the present invention includes, a

calling party terminal 10, a network operation center (NOC) 12, and a receiving party

terminal 14. It will be appreciated that, in practice, the network will include pluralities of

calling and receiving party terminals. The calling party terminal 10 is connected to NOC

12 by a communications link 16, which may take the form of land line (e.g., phonelines),

a direct computer link, a wireless link, or a satellite link. NOC 12 is preferably

connected to receiving party terminal 14 by a wireless communications link 18.

When a calling party wishes to send a message to a receiving party at terminal

14 (FIG. 1), the terminal retrieves the file of the canned messages from storage (step

22) and displays the file to the calling party (step 24). The calling party browses through

the file to determine if the text of any of the canned messages is appropriate to convey

the particular message that the calling party wishes to send to the receiving party. If an

appropriate canned message is noted, the calling party selects this canned message

(step 26) using suitable pointing means, such as a mouse, cursor, etc. Based on the

canned message selection, terminal 10 retrieves the associated canned message code

from the file (step 28).

If the selected canned message calls for the inclusion of a parameter(s),

such as, for example, time, date, phone number, etc., the calling party enters

a desired parameter(s), using an appropriate entry device, such as a keypad

(step 30). The calling terminal 10 compiles the retrieved message code

associated with the selected canned message with an appropriate indicator code,

calling and receiving terminal addresses, and added parameters, if any (step

32). Terminal 10 then transmits the compiled canned message codes and parameters, if any, together with calling and receiving terminal addresses to NOC 12 over communications link 16 (FIG. 1) (step 34).

NOC 12 maintains multiple files of canned messages and canned response options, including files identical to those stored at calling terminal 10. NOC 12 determines whether the designated receiving party terminal can accept the canned message in code form, i.e., as received from the sending party terminal, or whether the canned message must be transmitted in full text to the receiving party terminal (step 56). If the designated receiving terminal can accept canned message/response option codes, they are transmitted to the designated receiving party terminal in the same form as received from the sending party terminal (step 58). If the designated receiving party terminal is not equipped to process canned message/response option codes, NOC 12 uses the canned message/response option codes received from the calling party terminal 10 to retrieve from the appropriate file(s) the text of the associated canned message and multiple response options, if any, from a memory (step 60). The text of the canned message and response options, together with parameters, is then transmitted in standard message code format by NOC 12 to the receiving terminal (step 58).

FIG. 4 illustrates the operation of receiving terminal 14 upon receiving a message transmission, according to an embodiment of the invention. Initially, terminal 14 receives the canned message/response option transmission from NOC 12 (step 70). The receiving terminal then determines whether the

canned message/response option reception is in message text or canned message

code (step 72). If in text, the canned message and any response options are

displayed to the receiving party (step 74). Alternatively, if the reception is in canned

message/response option codes, the receiving party terminal 14, using these codes,

retrieves the associated canned messages, canned response options, and canned

parameters from the various stored files identical to those stored at calling terminal 10

and NOC 12 (step 76). The retrieved canned message, response options, and

parameters, if any, are displayed in text form for viewing by the receiving party terminal

(step 74).

On page 9, second paragraph, Applicant's argument with respect to claims

amended 4-7 are allowable over cited reference based on their dependency upon claim

1, is not persuasive.

Pinter discloses a calling terminal 10 appropriate for practicing the present

invention is illustrated in FIG. 7. As shown, the calling terminal 10 includes a CPU 110,

a ROM 112 to store an application program for controlling terminal operation in

accordance with the present invention, a RAM 114 to store the canned

message/response options/parameter files and associated codes, and a compiler 116

for assembling the message/response options/parameter codes, indicator and separator

codes, and address codes into a message under the control of the application program

and CPU 110. Calling terminal 10 also includes an input/output (I/O) device 118

selectively connecting a transmitter 120 and a receiver 122 into the terminal circuitry. A

coder/decoder 124 encodes text messages transmitted by the terminal to NOC 12 and

decodes text messages received from NOC, including selected response options in text

code received from a receiving terminal 14. A terminal keypad 126 is used by the

calling party to designate a receiving party (typically by phone number), to retrieve

canned message/response options/parameter files from RAM 114, to scroll through the

displayed files, and to select the canned message/response options/parameter(s)

appropriate for sending to the receiving party. Display 128 also displays selected

response options from receiving parties relayed by NOC 12. These terminal

components are interconnected in operative relation by a system bus 130. While FIG. 7

illustrates the operative structural configuration of calling terminal 10, it will be

appreciated that, preferably, receiving terminal 14 is structurally configured in the same

manner.

FIG. 8 illustrates the structure of NOC 12 in accordance with one embodiment of

the invention. As shown, NOC 12 includes a CPU 131 connected by a system bus 132

to an input/output (I/O) device 134, to which a transmitter 136 and a receiver 138 are

connected. A ROM 139 stores an application program appropriate for controlling NOC

12 in accordance with the present invention. A RAM 140 stores sets of canned

messages/response options/parameters files for various messaging groups, including

the group to which terminals 10 and 14 belong. Thus, RAM 140 stores a set of canned

files identical to the set stored in the RAMs of terminals 10 and 14. NOC 12 also

includes a memory 142 for storing the identities of the calling and receiving terminals

involved in a message that is being relayed, as well as the messages. Message storage is preferred in case receiving terminals do not receive an original message transmission and, thus, retransmission is required. Retention of terminal identities is required so that selected response options received from receiving terminals are correctly relayed to the appropriate calling terminals.

Finally, NOC 12 also includes a message compiler 144 that may be required for message formatting and for adding appropriate codes, such as terminal address codes not included in the messages being relayed by the NOC. This is particularly so in the case of a selected response option which typically does not include the calling terminal address. NOC then refers to the calling terminal identify stored in memory 142 pursuant to determining the calling terminal address that must be included in the transmission of the selected response option, if it is to be relayed to the correct calling terminal.

On page 9, third paragraph, Applicant's argument with respect to the invention of Gabrielle et al. (US# 6,154,147) that is respectfully traversed and reconsideration and withdrawal of the rejection, is persuasive.

Examiner agree the art Gabrielle et al. (US# 6,154,147) can not be used to rejected under 35 U.S.C. 102(b). Therefore, Examiner reconsider the art and applying the art to be rejected under 35 U.S.C 102(e).

On page 9, fourth paragraph, Applicant's argument with respect to the invention of Pinter in view of Gabrielle et al. of claim 2 is allowable based on its dependency of claim 1, is not persuasive.

According to claim 1, still rejected in under Pinter and claim 2 is remained rejected in view of Gabrielle et al., therefore the argument is not persuasive.

On page 10, second paragraph, Applicant's argument with respect to the invention of Pinter in view of Gabrielle et al. of claim 3 is allowable based on its dependency of claim 1, is not persuasive.

According to claim 3, still rejected in under Pinter and claim 3 is remained rejected in view of Takahashi et al., therefore the argument is not persuasive.

On page 10, third paragraph, Applicant's argument with respect to the invention of Gabrielle et al. in view of Nelson et al. according to claims 9-10 and 12 are allowable based on their dependency upon claim 8, is not persuasive.

According to claims 8, still rejected in view Gabrielle under 35 U.S.C 102(e) and claims 9-10 and 12 are remained rejected in view of Nelson et al., therefore the argument is not persuasive.

On page 10, fourth paragraph, Applicant's argument with respect to the invention of Gabrielle et al. in view of Nelson et al. and further in view of Takahashi et al.

according to claim 11 is allowable based on their dependency upon claim 10, is not

persuasive.

According to claims 10, still rejected under Gabrielle et al. in view of Nelson et al.

and claim 10 is remained rejected in view of Nelson et al., therefore the argument is not

persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4-7 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated

by Pinter (US# 5,894,506).

Referring to claim 1, Pinter discloses a messaging system for message

redundancy reduction, comprising:

a messaging terminal adapted to:

receive a message comprising one or more message components from a

sending messaging device (10) (i.e. a calling terminal), wherein the message includes

an identity of a receiving messaging device (col. 3 lines 60-67),

access one or more codes representing at least one of the message

components, wherein the one or more codes are associated with the receiving

messaging device (col. 3 lines 60-67 and col. 6 lines 7-41),

generate a reduced messaging signal for the received message by using the one

or more codes (col. 6 lines 7-41), and

send the reduced messaging signal (i.e. codes form) to the receiving messaging

device (14) (i.e. receiving terminal); and the receiving messaging device (14) (i.e. a

receiving terminal) (i.e. steps 34, 58, 76 and 74) (col. 3 line 44 to col. 4 line 14 and col.

5 line 45 to col. 6 line 40):

respond to the reduced messaging signal (i.e. codes form) by displaying the

message with the message components represented by the codes received in the

reduced messaging signal (i.e. steps 72-76-74) (col. 3 line 44 to col. 6 line 41; see

Figure 1-5).

Referring to claim 4, Pinter discloses the messaging system as recited in claim 1

wherein the message component is an original message segment (col. 6 lines 31-41).

Referring to claim 5, Pinter discloses the messaging system as recited in claim 1

wherein the receiving messaging device comprises:

a memory (112, 114) (i.e. a ROM and RAM) for storing the message components and

the associated codes; a microprocessor (110) (i.e. a CPU) coupled to the memory (112,

114) for retrieving the stored message components; and a display (128) (i.e. a display)

coupled to the microprocessor (110) (i.e. a CPU) for displaying the message including

the message components in response from a command from the microprocessor (110)

(i.e. a CPU) (col. 7 lines 44-67).

Referring to claim 6, Pinter discloses the messaging system of claim 5 further

comprising: a transceiver (120, 122) (i.e. a transmitter and receiver), coupled to the

microprocessor (110) (i.e. a CPU) and responsive to commands from the

microprocessor (110) (i.e. a CPU), for transmitting a request message to the messaging

terminal requesting refreshment of the memory (112, 114) (i.e. a ROM and RAM) of the

receiving messaging device when one or more of the message components and

associated codes is not contained in the memory(112, 114) (i.e. a ROM and RAM) (col.

7 lines 44-67).

Referring to claim 7, Pinter discloses the messaging system of claim 1 wherein

the second redundancy reduced message signal sent from the messaging terminal

includes a message identifier (144) (i.e. a message compiler), and further wherein the

receiving messaging device responds to the message identifier (144) (i.e. a message

compiler) by adding an original message segment to the message display (col. 8 lines

6-35; see Figure 8).

Referring to claim 13, Pinter discloses the messaging system as recited in claim

1, wherein the two way messaging terminal is further adapted to:

receive a second message from a sending messaging device (10) (i.e. a calling

terminal), wherein the second message comprises one or more codes representative of

one or more message components, access one or more message information

represented by one or more codes, wherein the message information is associated with

the sending messaging device (10) (i.e. a calling terminal), generate a non-reduced

messaging signal using the message information, and send the non-reduced messaging

signal to the receiving messaging device (14) (i.e. receiving terminal) (col. 3 line 44 to

col. 5 line 67 and col. 6 lines 7-40).

Referring to claim 14, Pinter discloses the messaging device for receiving

reduced redundancy messages, claim 14 is equivalent to that of claims 5 and 6

combined as addressed above, incorporated herein. Therefore, claim 14 is rejected for

same reasons given with respected to claims 5 and 6 combined.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Gabrielle et

al. (US# 6,154,147).

Referring to claim 8, Gabrielle et al. disclose a messaging system for message

redundancy reduction, comprising:

a sending messaging device, wherein the sending messaging device transmits a

signature message comprising:

a header including a preamble having a sending device identification, a

messaging terminal address for identifying a messaging terminal to which the signature

message is intended for, and

a signature (col. 3 lines 1-7); and

the messaging terminal, wherein the messaging terminal comprises:

a terminal transceiver (204 and 208) (i.e. a receiver/transmitter) for receiving the

signature message from the sending messaging device,

a terminal memory (212,214 and 218) (i.e. a RAM, ROM and EEPROM) for

storing the signature and associated sending device identification in response to

receiving the signature message (col. 3 lines 8-59 and col. 5 lines 15-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Pinter

(US# 5,894,506) as applied to claim 1 above, and further in view of Gabrielle et al. (US# 6,154,147).

Referring to claim 2, Pinter discloses the messaging system of claim 1. However, Pinter did not explicitly disclose wherein the message component is a signature of the sending messaging device.

In the same field of endeavor of message processing in data devices, Gabrielle et al. teach wherein the message component is a signature of the sending messaging device (col. 3 lines 1-50) in order to track the identifier of the message being send from.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein the message component is a signature of the sending messaging device of system disclosed by Gabrielle et al. into system of Pinter with the motivation for doing so would allow a signature is included in the messaging system.

Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Pinter (US# 5,894,506) as applied to claim 1 above, and further in view of Takahashi et al. (US# 6,097,935).

Referring to claim 3, Pinter discloses the messaging system of claim 1.

However, Pinter did not explicitly disclose wherein the message component is a greeting of the sending messaging device.

In the same field of endeavor of data receiver apparatus, Takahashi et al. teach wherein the message component is a greeting of the sending messaging device (col. 12 lines 4-37; see Figures 12a and 15) in order to have greeting message as an option.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein the message component is a greeting of the sending messaging device of system disclosed by Takahashi et al. into system of Pinter with the motivation for doing so would allow greeting message as an option in the messaging system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

BRIAN ZIMMERMAN
PRIMARY EXAMINER